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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/817,438 10/02/97 NATHAN

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EXAMINER

WM02/0103

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BROWN, R

ART UNIT

PAPER NUMBER

2611

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01/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/817,438

Applicant(s)

Nathan, et al

Examiner

Reuben M. Brown

Group Art Unit

2611



☒ Responsive to communication(s) filed on Oct 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 11-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 11-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☒ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: PCT/FR94/00185

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 & 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddad, (U.S. Pat # 6,072,982), in view of Lett (U.S. Pat # 5,592,551).

Considering claim 11, the amended claimed system for distributing and selecting audio & video information on a coaxial cable network including a plurality of channels, comprising an audiovisual reproduction unit storing in computer memory a plurality of audio & video information items is met by the operation of the Distribution Center, which includes a video library, (col. 5, lines 55-67 thru col. 6, lines 1-35). Haddad teaches that each transmission control unit can be connected to any number of subscriber terminals, (col. 9, lines 47-53).

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The claimed plurality of broadcast receivers each coupled with the cable network, reads on the subscriber terminal apparatus described in Haddad which includes a means for users to view audio & video information requested and transmitted from the Distribution Center, (col. 6, lines 55-67). Even though Haddad only discusses a PC terminal (preferably with TV card, or similar software/hardware), since it is disclosed that the invention is operable over CATV networks, (col. 16, lines 18-27) it would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the well known STB/TV receiver standard arrangement, at least for the known purpose of interacting with a more readily accessible user home entertainment system.

Regarding the claimed remote unit for interacting with a respective broadcast receiver, the remote unit effecting selection of at least one audio & video information item for transmission over the dedicated channel, Haddad discusses that the user orders audio/video programming by interacting with a keyboard and navigating through a menu selection procedure displayed on a monitor, (col. 7, lines 12-15; col. 8, lines 29-35). Furthermore, remote control units associated with broadcast receivers were extremely well known in the art at the time the invention was made.

The claimed identifier for identifying one of the remote unit or broadcast receiver corresponding to selected audio & video information units is met by Haddad, (col. 5, lines 25-42; col. 7, lines 34-37; col. 8, lines 52-59; col. 13, lines 49-60). The claimed billing device receiving

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information from the identifier, the billing device effecting billing for selections made based on the identifier information is met by Haddad, (col. 12, lines 24-33).

Regarding the additional claimed feature of transmitting the audio & video information over a dedicated channel of the plurality of CATV channels, Haddad does not discuss such a feature. Nevertheless, at the time the invention was made, such technology was notoriously well known in the art, an example of which is shown by Lett, (col. 12, lines 28-35). Lett teaches that all of the pay-per-view programming (including video-on-demand) ordered by the subscriber may be transmitted over a particular channel, i.e channel 5. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Haddad, providing a dedicated transmission channel as taught by Lett, at least for the desirable benefit of a more efficient and reliable arrangement.

Considering claim 14, identification information and control data are transmitted to/from the user interface in Haddad (col. 7, lines 12-20) & Lett (col. 9, lines 1-25; col. 11, lines 10-19).

Considering claim 15, the video library of Haddad includes a main processor computer 200 which reads on a multitask operating system, (col. 5, lines 25-49). The claimed memory storing the plurality of audio & video information items, such that the memory communicates with the main processor, reads on Haddad col. 5, lines 65-67 thru col. 6, lines 1-10. The video library

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of Haddad also reads on the audio & video controller circuit communicating with the main processor and effecting audio & video reproduction of the information items, (col. 5, lines 1-20). Both Haddad & Lett, necessarily include an input/output interface coupled with the main processor and effecting communication between the remote units of broadcast receivers and the audiovisual reproduction unit. Regarding the claimed feature of RF modulation, Haddad teaches that wireless communication technology may be implemented in the delivery system of the present invention, (col. 4, lines 18-22).

Considering claim 16, Official Notice is taken that touch screen technology was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the audiovisual reproduction system of Haddad with the well known touch screen technology at least for the desirable benefit of a more user friendly graphical interface for an operator interacting with the instant reproduction unit.

Considering claim 17, Official Notice is taken that money changing devices were very well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the audiovisual reproduction system of Haddad with the well known money changing technology at least for the desirable benefit of such a customer convenience.

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Considering claim 18, see the billing methods discussed in Haddad, (col. 5, lines 40-44; col. 7, lines 34-36; col. 12, lines 24-33).

Considering claim 19, see Haddad col. 7, lines 12-17 & col. 8, lines 28-35.

Considering claim 20, the claimed steps of a method for using a system for distributing and selecting audio & video information which corresponds with subject matter mentioned above in the rejection of claims 11 & 15, are likewise rejected. Regarding the additional limitations of an identifier being linked to a respective one of the broadcast receivers, see Haddad col. 8, lines 45-60. Furthermore, Haddad teaches queuing a selection order of audio & video information items (col. 9, lines 12-20).

Considering claim 21, Haddad discloses the use of a keyboard, (col. 7, lines 12-15).

Considering claim 22, the invention of Haddad may be used over various transmission protocols, (col. 13, lines 41-60), including low-speed communication.

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3. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddad & Lett as applied to claim 11 above, and further in view of Thompson, (U.S. Pat # 5,236,199).

Haddad does not provide the option of ordering a VOD item by utilizing a telephone keypad type of device. Thompson discusses interacting with a TV system utilizing DTMF technology over a public or private telephone network which reads on a PABX, (col. 2, lines 58-68). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Haddad, with PABX technology for the desirable benefit providing the subscriber with an efficient well known interface means for the interacting with the CATV network, as taught by Thompson (col. 3, lines 1-34).

Considering claim 13, voice prompt technology was extremely well known in the art at the time the invention was made.



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*Response to Arguments*

4. Applicant's arguments with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A) Yurt Discloses a VOD system wherein user order programming by interacting with a computer or telephone keypad.

B) Imanaka Discloses a standard VOD system.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
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